

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 2, 1999

ALL COUNTY LETTER NO. 99-96

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS

SUBJECT: FOSTER CARE - WRITTEN AGREEMENT
BETWEEN COUNTY WELFARE DEPARTMENT AND
COUNTY PROBATION DEPARTMENT

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 11404
MANUAL OF POLICIES AND PROCEDURES SECTIONS 29-400, 31-200
THROUGH 31-525
ELIGIBILITY AND ASSISTANCE STANDARDS SECTION 45-201.4

REASON FOR THIS TRANSMITTAL

- ☒ State Law Changes
- ☐ Federal Law of Regulations Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

The purpose of this All County Letter is to provide information regarding the written agreement between county probation and county welfare departments that must be in effect in order to claim Aid to Families with Dependent Children – Foster Care (AFDC-FC) for foster children supervised by the probation department. The agreement sets forth the service requirements that probation departments must comply with in order to claim AFDC-FC funding when placing children in out-of-home care.

Existing Authority

Section 472 of Title IV-E of the Social Security Act (42 United States Code 672(a)(2)) and Welfare and Institutions Code (WIC) Section 11404 require that a written agreement (agreement) be in effect between the county probation and county welfare departments in order to claim AFDC-FC for foster children supervised by the probation department. Manual of Policies and Procedures (MPP) Section 29-400 contains the required agreement, along with the requirements for maintenance of this agreement. The agreement must specify that the probation department will provide services mandated in Eligibility and Assistance Standards (EAS) Section 45-201.4. These services include preplacement preventive services, preparation of a written assessment and case plan, family reunification or permanent placement services as appropriate, regular visits with the child, periodic status reviews and permanency planning hearings.

EAS Sections 45-202.612 and 45-203.512 specify that responsibility for placement and care of children in foster care can be vested with county probation departments provided there is in effect a written signed agreement with the county welfare department. The agreement must specify that the probation department will provide the above referenced services mandated in EAS Section 45-201.4. Title IV-E funding for probation supervised placements will be withheld if there is no agreement in effect or if the probation department does not adhere to all provisions of the agreement.

The California Department of Social Services (CDSS) has both the responsibility and the obligation to monitor and hold the county welfare and probation departments accountable for the provisions and administration of child welfare services and foster care eligibility functions in California. The CDSS is required to ensure that wards in out-of-home placement whose board and care is funded through the AFDC-FC program receive appropriate services.

Changes to Agreement

As you are aware, Senate Bill (SB) 933 (Chapter 311, Statutes of 1998) made significant changes to the foster care system in California. The Legislature through SB 933 expressed its intent to ensure that the same care and protections for children placed in group home care in California are afforded to those children placed out-of-state. This legislation grew from concern and criticism regarding the issues of childrens' safety and protection of their personal rights, along with issues regarding the handling of out-of-state group home placements. Both dependents and wards are California's responsibility whether placed in-state or out-of-state. New statutory provisions require that prior to ordering a child placed in an out-of-state group home, the court shall find that the facility is certified by the CDSS and that the requirements of Family Code Section 7911.1 have been met.

Regulations implementing SB 933 apply to both county welfare and county probation departments when placing children and paying for their board and care through AFDC-FC, including placement in out-of-state group homes. Regulations were also added to cross reference specific requirements to be implemented by probation departments when placing wards in AFDC-FC funded out-of-home placements. These additions to Division 31 and Division 45 regulations will assist county probation and county welfare departments to comply with the new statutory requirements and ensure that AFDC-FC funded wards in out-of-home care receive appropriate services.

Assembly Bill (AB) 2773 (Chapter 1056, Statutes of 1998) was the vehicle used to bring California into compliance with federal law changes made by the Adoption and Safe Families Act (Public Law 105-89). AB 2773 made several changes to State law relating to the safety and permanency of children who are adjudicated dependents or wards of the court. Furthermore, AB 575 (Chapter 997, Statutes of 1999) clarifies responsibilities and placement activities to be performed by the probation departments for wards in AFDC-FC funded out-of-home placements.

New Regulations

The CDSS will promulgate regulatory changes that will incorporate all of the updated statutory and regulatory changes into the existing agreement. In addition, it is also the CDSS' intent to ensure that the agreement will clearly delineate and define the roles and responsibilities of county probation and county welfare departments. This can help to avoid inappropriately claiming AFDC-FC and potential audit disallowances.

Until those regulations are finalized, counties are reminded of their responsibility to ensure proper supervision of all AFDC-FC funded placements, including placements

made by county probation departments. This includes providing appropriate services (pursuant to MPP Section 45-201.4) to foster children supervised by the county probation department.

In summary, as a result of the above referenced changes in federal and State law, county welfare departments should execute a new agreement with their county probation departments.

If you have any questions about this ACL, please contact your Foster Care Funding consultant at (916) 324-5809.

Sincerely,

Original signed by Del Sayles-Owen
On 11/1/99

DEL SAYLES-OWEN
Acting Deputy Director
Children and Family Services Division

c: County Welfare Directors Association
Chief Probation Officers of California